

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-30312-MAP

PAULA J. PAVELCSYK,  
Plaintiff

vs.

WILLIAMSBURG BOARD OF HEALTH,  
Defendant

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**DEFENDANT, WILLIAMSBURG BOARD OF HEALTH'S, MOTION TO STRIKE**

NOW COMES the defendant, Williamsburg Board of Health, and respectfully moves this Court to strike the purported Notice of Appeal filed by the plaintiff in the above-captioned matter. As grounds therefore and in support thereof, the defendant states that the report and recommendation of the Magistrate was docketed on September 22, 2004 and specifically required objections thereto to be filed by October 12, 2004. The plaintiff did not file and/or serve her "Notice of Appeal" until October 22, 2004. Assuming the "Notice of Appeal" is determined to be an objection to the report and recommendation, the same is untimely and should be stricken.

WHEREFORE, based upon the foregoing, the defendant, Williamsburg Board of Health, respectfully requests that this court strike the "Notice of Appeal" filed in this matter.

THE DEFENDANT  
WILLIAMSBURG BOARD OF HEALTH

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